

May 11, 2011

Mr. Robert Findling
Director of Conservation Projects
212 East Marcy
Suite 200
Santa Fe, N.M. 87501

Greetings,

This correspondence is in response to your letter dated April, 29, 2011, requesting assistance and clarification regarding my letter to the City of Santa Fe dated March 16, 2010. The letter was related to the NMOSE position on the Upper Santa Fe River Habitat Restoration Project, and now specifically regarding "man-made works". NMOSE position remains the same:

1. Water released into the Santa Fe River from upstream reservoirs ***shall not be diverted and placed to beneficial use*** via man-made works without benefit of a permit from the State Engineer.
2. Water may not be stored in Two-Mile Reservoir without the benefit of a permit from the State Engineer.
3. The OSE does not foresee any water right issues with the proposed project so long as sufficient water remains available for diversion by acequias to satisfy valid existing surface water rights.
4. The OSE does not have any statutory authority to dictate channel alignment.

Finally, the Water Rights Division (WRD) strongly recommends communication between the project sponsors and the Acequia commissions which may be impacted by the project. If further discussion would be helpful, please do not hesitate to contact WRD District 6 in Santa Fe at (505) 827-6120. Thanks in advance for your cooperation in this matter.

Sincerely,

Bruce W. Richardson
Water Resource Specialist
WRD District 6
Santa Fe, N.M.